



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, February 03, 2015

Room 200, Municipal Council Chambers

351 West Center, Provo, Utah

Opening Ceremony

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member Gary Garrett

Council Member Kim Santiago

Council Member Gary Winterton

Council Member Vernon K. Van Buren

Council Member Harold L. Miller, Jr.

Council Member David Sewell

Mayor John R. Curtis

Deputy Mayor Corey Norman

Deputy City Attorney Brian Jones

Council Executive Director Matthew Taylor

Conducting: Chair Garrett

Invocation and Pledge

Invocation was given by Cindy Richards

A special posting of the flag and Pledge of Allegiance was presented by the Provo City Police Department Color Guard.

1. Presentations

- **A tribute to Stephen A. Hales (June 4, 1959 - January 21, 2015), Provo City Council 2014-2015**

Chair Garrett and Vice-Chair Santiago gave a special tribute to Stephen A. Hales, Provo City Council Member from January 2014 to January 2015. The Council was stunned and saddened to receive the unexpected news of his passing on January 21, 2015, the day following their January 20, 2015 Council Meeting. He had been excused from the meeting but learned later that he had tried to attend.

Mr. Hales' commitment to Provo was shown in many ways through his successful graphic design and advertising business to his work in various organizations in the community. He recently became the graphic design department head at Utah Valley University. In addition to Mr. Hales recent position on the Municipal Council he also served on the Provo Landmarks Commission for 16 years.

Council Members were grateful for their association with Mr. Hales and for the opportunity to work with him on the Council. They were a better Council, a better community, and better

people because of Mr. Hales and his influence. The Council acknowledged his many contributions to our community and extended their wishes of peace and love to the Hales family.

Chair Garrett invited those present to join him in a brief moment of silence for Stephen Hales.

Chair Garrett noted that Mr. Hales had served on a committee to select a new city flag. After many months of deliberation, the official flag was approved upon a motion by Mr. Hales during the January 6, 2015 Council Meeting. Mr. Hales had stated that the new flag encapsulated what could be seen around Provo – the lake, mountains, and sunshine. The logo had been around for a couple of years and everyone knew it stood for Provo. For that reason it worked well for the City. The new flag would be posted throughout the meeting, retired at the end of the session, and presented with the Council’s great love and appreciation to the Hales family.

Public Comment

Sherrie Spencer, Provo, expressed her desire to speak as the citizen’s voice in appreciation of the service of Stephen Hales. She said it was a sacrifice for him to serve. The citizens loved him and appreciated his service. She expressed love and support for his family also.

Policy Items Referred from the Planning Commission

- 2. A public hearing on Ordinance 2015-05 amending Chapter 18.01 (Storm Water Utility) of the Provo City Code to include Sections 18.01.070 (Billing), 18.01.080 (Storm Water Impact Fee), and 18.01.090 (Storm Water Impact Fee Exemption & Credits) to comply with The Federal Clean Water Act, and the Department of Water Quality (DWQ) Municipal Separate Storm Sewer System permit. City-wide Impact. (14-0030A)**

Casey Serr, Engineer IV with Public Works, presented. Mr. Serr stated there were three sections inadvertently left out of the Title 18 amendment adopted in July 2014. Title 18 had been added to the Provo City Code to comply with the Federal Clean Water Act and the Department of Water Quality’s Municipal Separate Storm Sewer System permit.

Ms. Santiago noted that the fees were already listed in the Consolidated Fee Schedule. Mr. Serr agreed saying it was just the text of Title 18 that needed to be amended.

Brian Jones, Deputy City Attorney, emphasized that adding these sections would not implement new fees; the fees had been in existence for a long time. The federal government required that certain parts of the storm water system be put into code and this was just complying with that requirement.

Chair Garrett invited public comment. There was no response to the request.

There was no further Council discussion so Chair Garrett called for a motion on the item.

Motion: Council Member Gary Winterton moved to approve **Ordinance 2015-05**. The motion was seconded by Council Member Vernon K. Van Buren.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

3. **A public hearing on Ordinance 2015-06 vacating the property interest of Provo City Corporation on 150 East, with the intent to deed to Brigham Young University (BYU), but still maintain general access, and then vacate a 0.049 acre portion of Heritage Drive as it intersects 900 East, for campus related purposes, comprising a total vacation of 0.734 acres, in the Public Facilities (PF) Zone. University and Joaquin Neighborhoods. (14-003SV)**

Bill Peperone, Assistant Community Development Director, presented. A couple of years ago Brigham Young University (BYU) closed Campus Drive, which ran down the middle of campus, in order to make the interior more pedestrian friendly. At that time BYU agreed to allow the City to increase the size of the sidewalk along 900 East. The amount of additional road right-of-way needed to increase the sidewalk was equal to the amount of roadway BYU was asking the City to vacate for them.

Mr. Peperone reported that the City would be vacating and deeding to BYU a portion of 150 East from 1060 North to the parking lot just south of the BYU indoor practice facility and also a small section of Heritage Drive just south of the Creamery on 900 East. The total amount of road to be vacated was 0.734 acres. In return, the City would receive a section of road along 900 East for the sidewalk expansion and would still have general access to 150 East.

In response to a request from Ms. Santiago, Mr. Peperone explained that every five years BYU would close sections of roads that were private in order to maintain private property rights on those roads. The roads needed to be closed for a short period of time, as little as one day, with alternate routes provided to access the area. BYU tried to close the roads on weekends or holidays so there would be limited traffic and impact.

Steve Sandberg, legal counsel for BYU and the University Neighborhood Chair, was invited to comment. He thanked the Community Development staff for their work on this project. BYU tried to have 150 East vacated about ten years ago but it didn't work out at that time. Working with Mr. Peperone and the current staff they were able to work things out.

Chair Garrett invited public comment. There was no response to the request.

There was no further council discussion so Chair Garrett called for a motion.

Motion: Council Member Gary Winterton moved to approve **Ordinance 2015-06**. The motion was seconded by Council Member Santiago.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

4. **A public hearing on Ordinance 2015-07 amending the Zone Map Classification from the Heavy Manufacturing Zone (M-2) to the Planned Industrial Commercial Zone (PIC) for Lots 1-7, Plat B of the East Bay North Subdivision, located generally at 671 East 1780 South. East Bay Neighborhood. (14-0010R)**

Mr. Peperone said the subject property was the East Bay North Subdivision, a cul-de-sac located at 671 East 1780 South in the East Bay area. The property was zoned Heavy Industrial (M-2) and the property surrounding was zoned Planned Industrial Commercial (PIC). As Community Development looked at this area and, after consulting with the East Bay Neighborhood, it made sense to initiate a zone change request from the M-2 to the PIC. Over time the area had transitioned from heavy industrial to retail, office, and mixed use. It was important to develop this property and changing the zone would allow for a wider range of industrial and commercial uses. Mr. Peperone clarified that the request for zone change was initiated by Community Development; there was not a request from a developer or a project planned for the area.

As per state requirements, notice had been sent out to all property owners in the proposed area and signs were posted on the property about the proposed zoning change. The property was vacant with the exception of one industrial business located on the southwest corner of the property that advertised outdoor storage. Mr. Peperone reported the business did not have a current business license. Community Development had been unable to contact the owners by phone or after several visits to the property. Normally a business would qualify for non-conforming use and be allowed to continue their current zone in perpetuity. However, since the business did not have a business license there might not be a legal use and the non-conforming status might not apply to this business.

Mr. Peperone reported that a notice was sent to Central Bank, owner of five of the properties in the subdivision. They did not contact him to express any concerns.

Chair Garrett called for public comment. There was no response to the request.

Motion: Council Member Vernon K. Van Buren moved to approve **Ordinance 2015-07**. The motion was seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

- 6. A public hearing on Resolution 2015-08 to place six vacant parcels in the Vivian Park Subdivision and an approximate 48.57 acre parcel of ground located generally adjacent to Vivian Park along South Fork Road on the surplus property list and authorizing the mayor to sell the property (15-018).**

Chair Garrett moved this item up on the agenda due to the large number of residents in attendance.

Tara Riddle, Provo City Property Manager, presented. On April 20, 2014 an announcement was made that Provo City had purchased 80 acres in Rock Canyon, ending a multi-decade dispute over ownership and the use of the land. A public hearing was held on May 6, 2014 where terms of the agreement were discussed. The Davis family would receive \$1.1 million in cash and the City would have a twelve-month period of time to exercise the option of an additional \$500,000 payment or to deed property in South Fork Canyon to the Davis family. The City decided to market the property to try and get the highest and best value for the property. The proceeds of the sale would pay the Davis family and any remaining funds would be returned to the City.

A sign was placed on the property indicating it was available. The City received more than 50 calls and enlisted the help of a realtor to help market the property. The realtor contacted the parties that had previously expressed interest. The City received viable offers for the property and entered into purchase agreements. The property consisted of seven separate lots. Six lots in the Vivian Park Subdivision and another lot located adjacent to, but not part of, the subdivision plat.

The property in Vivian Park consisted of six plotted lots, ranging in size from .098 to .145 acres for a combined total of .77 acres. They were part of the original Vivian Park Plat created in 1917. They had grandfather status which meant they were buildable lots under the County zoning; however, they were not easily developable. There were some boundary line and setback issues that needed to be addressed in order to protect the water sources for the Vivian Park Homeowners Association's well. The City received an offer to purchase all six lots that exceeded the appraised value.

The other parcel was about 50 acres just east of Vivian Park subdivision and was divided by South Fork road. The City felt the best way to sell this property was to subdivide it with a 20 acre parcel on the north side of the road and a 30 acre parcel on the south side. As they started the plotting process it was discovered that South Fork Road was not dedicated to Utah County. The City needed to dedicate the right of way to Utah County which reduced the size of the 20 acre parcel by .88 acres. The County required 20 acres minimum for a building lot in the area. We were able to purchase adjoining land from Utah County to make it a saleable, developable lot. In return the City would dedicate the road to Utah County and also an easement on the 30 acre parcel for a proposed trail that would extend off of Fairfax Drive in Vivian Park to the South Fork Park. The trail would help get bicyclists off the South Fork Road because it was narrow and hazardous.

The parcel also had a boundary line issue the City was working through with a property owner to the west. The City had received an offer for this property that exceeded the appraised value. The purchase agreement stipulated that the City would correct the outstanding boundary line issue and would also complete the final plat approval with Utah County.

Mayor Curtis acknowledged a year's worth of work on this project. He clarified that they were asking the Council to surplus the property so that it could be sold. The property was the piece that allowed the City to put the Rock Canyon deal together and make a deal with the Davis family.

Mr. Jones emphasized that, because this property was specified in the Rock Canyon deal, the City only had three choices. First, give the property to the Davis family. Second, sell the property and give \$500,000 to the Davis family and keep the remainder to replenish the city budget. Third, keep the land but pay the Davis family \$500,000 from some other source.

Ms. Riddle stated the City would retain easements along the road, on the trail that would be constructed up the canyon, and for the water line along the south side of the river. The trail would only be for pedestrians and bicyclists.

Ms. Santiago stated she had received a text from Nelson Dorney, Vivian Park HOA president that requested the City provide full disclosure about the buildability of the six lots in Vivian Park. One of the lots was in a former avalanche path and the other lots were close to the well

that fed the subdivision. Also, a copy of the drinking water protection plan for the HOA should be included. Ms. Riddle said all that information would be part of the full disclosure given to the buyer.

Mayor Curtis clarified that we would disclose anything that could contractually impact that property but there was a difference of opinion between the City and the HOA on some of the water issues.

In response to a question from Ms. Santiago, Bart Simons, Public Works Division Director – Water, reported that the wellhead protection plan required the City to delineate their water sources which were on the south side of the canyon above the springs. The water came down uninterrupted into where the water was collected. They had been very careful that the watershed area, which was vast and extensive, was protected and did not interfere with the City's drinking water. The original water line that used to run through Vivian Park was moved because of issues with the Vivian Park residents.

Mr. Simons said there were different classes of ground water, one being under the influence of surface water. A representative from the state was sent out to test our water to make sure we really had ground water. The representative was surprised because no surface water was found and we had very pristine sources of water. Mr. Simons reported there were no problems with the land sale in this area as it related to our water sources and supply.

In response to a question from Ms. Santiago, Ms. Riddle stated the well for Vivian Park was located in the 30 acre parcel of land. The City would disclose an easement for the well when the plat was recorded with the County. The purchaser of the property was a resident of Vivian Park.

Chair Garrett invited public comment.

Sandy Rowe, Provo, asked who would be responsible for insurance on the trail through the 30 acre parcel. Brian Jones stated the easement belonged to Utah County so they would own the trail and be responsible for risk management over the trail.

Reed Dixon, a member of the Vivian Park HOA Board, stated they did not have any problem with the lots being surplus but wanted to make sure that certain issues were clear to everyone involved in the transaction. First, the HOA was passionate about maintaining a high quality of water and all of the lots were close to their only source of water. The well on the 30 acre parcel supplied 90 percent of the water they used. They had prepared a drinking water protection plan that had been submitted to the state that, if approved, would be adhered to in the future. Second, the water system was inadequate for additional users. If even one home was built on the lots in Vivian Park their water system would be incapable of supplying water to the additional home. Third, and most important, at least one of the six lots had an avalanche issue. About 17 years ago there was an avalanche that came down the mouth of the canyon near the lots and to within 30 feet of an existing cabin. There was a probability that if another avalanche came down it might destroy homes built on any of those six lots. The 48 acre parcel did not have the same concerns. He felt there might be other City property that could be surplus to make up for the six lots in Vivian Park and still fulfill the Rock Canyon agreement. He asked the Council to seriously consider the avalanche risk and also the risk to their water well.

In response to a question from Ms. Santiago, Mr. Dixon said the mouth of the canyon he was referring to was right above the six lots. There was significant evidence that the area was in an avalanche danger zone. There were no trees in that area and the chain link fence around the Provo City property was down. There were stumps and trees two feet in diameter in the area because of the avalanche 17 years ago. There was another smaller area near Vivian Park where an avalanche in 1983 damaged a home.

Mr. Winterton noted they were approved lots and the Vivian Park HOA would be required to supply water to any homes built in that area. Ms. Riddle responded that part of the agreement was that Provo City would actually be providing water to the parcels rather than going through the HOA.

Melanie McCoard, Provo, stated she was an advocate for citizen oversight committees. There was a small water board that reviewed irrigation issues but if the City wanted water conservation, graduated water rates, etc., they needed to appoint a citizens committee. The committee could champion water causes in the City, thoroughly study the issues, and make recommendations. Ms. McCoard wanted it on the public record that she hoped the City did not consider any further development of Provo City property in South Fork Canyon.

Daryl Conrad, South Fork Canyon, stated he wished he had known the Council was touring the area last week because he could have shown them some of the things they should have been looking for. He did not approve selling some of the lots, especially the pie-shaped lot on the south side of the road because it was not Provo City's, it belonged to his father. Back in the 1930's they had the area surveyed and, although those surveys had been changed, he knew where the property lines were. His family had not been contacted about the sale. The avalanche dangers mention earlier were true. He also stated that some of the water issues discussed earlier had not been done correctly. Their family had a right to drill a well on their property just above the property that Vivian Park had. They had not drilled the well yet but court records in Salt Lake City would show that his father had a permit to put a well there. His father passed away several years ago but if the City did not work with him, he would be doing something about it.

Deann Huish, representing the Huish Trust, commented. She stated the Trust owned lot 45, just one house down on the north side from the Provo City property. They were concerned about the trail that would go along Fairfax Road. Would Fairfax Road be widened or would the trail be right on the road. Also, was the City still taking offers for the property?

Ms. Riddle replied that the trail would be designed and maintained by Utah County. The Utah County Public Works Director stated they would like the trail to go along Fairfax Drive and extend down through the 30 acres and all the way to the South Fork Park. She thought the County would have a public hearing before they began construction of the trail but any questions about the trail would need to be directed to Utah County. As for additional offers for the property, Ms. Riddle stated they have two offers that were contingent upon the Council's approval to surplus and sell the property. Chair Garrett said that both offers would have to fall through in order to open it up for additional offers.

There was no more public comment.

Mr. Sewell asked about the dispute over ownership of a portion of the property. Ms. Riddle stated the City had title reports and surveys completed whenever property was sold. According

to the surveyor there was not a conflict on the triangular piece but the title company said there was. Both of those were still in the process of being completed to determine if there was a conflict. Any dispute would be disclosed to the buyer.

Motion: Council Member Harold L. Miller, Jr. moved to approve **Resolution 2015-08** placing six vacant parcels of the Vivian Park Subdivision and the approximate 48.57 acre of ground located generally adjacent to Vivian Park along South Fork Road on the surplus property list and authorizing the mayor to sell the property. The motion was seconded by Council Member Gary Winterton.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

5. A public hearing on a resolution to adopt the Downtown Master Plan as a component of the Provo City General Plan (14-0002GPA)

Josh Yost, Planner II, presented. The Downtown Master Plan was a document that reinforced the land use decisions made by the Council over the past number of years. The purpose of the document was to establish the City's vision and policies for creating a great place for working, living, shopping, and to provide entertainment in the downtown area. Mr. Yost pointed out there would not be any impacts on the surrounding areas and they were not requesting any zone changes in those areas. The zoning on Center Street from 500 West to the freeway had recently been updated so there would not be any additional changes. The only suggestion would be to enhance Center Street's pedestrian character and urban design as a gateway into the City. He stated they had tried to create appropriate transitions from the downtown area to the surrounding Pioneer Neighborhoods such as Franklin, Maeser, Timpanogos, and Joaquin. Creating a more vibrant downtown will only enhance the surrounding areas and make living there more desirable.

Mr. Yost said the five areas defined in the Downtown Master Plan were created according to character, use, and functionality. The five sub-districts were created to help in the analysis and to make it easier to make proposals for the Master Plan. They would not be naming each area separately; they were all part of the Downtown Master Plan.

In response to a question from Mr. Winterton, Mr. Yost said they did not change the zones in the downtown (DT1 and DT2) because they felt those zones already accomplished the purposes for those areas. Most of the zones in the downtown area had been changed within the past 2-3 years and those changes were made with the downtown plan in mind.

Mr. Miller asked if there was any piece of the master plan that was a mandate or that couldn't be revisited as the plan was pursued. Mr. Yost said the General Plan was not a regulatory document, it did not establish property rights and did not change or control what a property owner was able to do with their land. The plan established the direction the City wanted to shape future regulation in any given area. However, there was an indirect regulatory effect because it established what the City would like to see in the future and encouraged future development to be consistent with the General Plan.

Mr. Winterton encouraged the public to read the document and see how it fit in with the General Plan for the Pioneer Neighborhoods and the Vision 2030 plan.

Ms. Santiago noted that on Page 27, under Gathering Places, it talked about food vendors being allowed in the downtown area. And then under Goals and Objectives (2a) it talked about amending the ordinances to allow food vendors downtown. She asked if they were referring to the recently passed food truck ordinance. Mr. Yost said the document was written prior to the food truck ordinance being adopted. He felt the plan was compatible with the adopted ordinance. They were not proposing anything different than what was approved with the ordinance. They considered taking that part out of the plan but left it in so they could see a part of the plan had been adopted. Ms. Santiago felt they should take it out because they already had the food truck ordinance unless, down the road, they wanted to amend the ordinance.

Ms. Santiago stated the document referenced road closures that could easily be accommodated due to adjacent streets (Page 46). She wanted to know if we should be advertising that road closures could be accommodated. Mr. Yost said they would not encourage or support additional road closures in the downtown area. That paragraph could be struck from the document upon the Council's recommendation. Mr. Taylor stated the City could close a road without vacating it, such as the land between the city center and the Covey Center, which used to be 400 West. Mr. Miller stated it might be a good idea to clarify the difference between a road closure and vacating a road in the document.

In response to a question from Ms. Santiago, Mr. Yost said they would like special attention paid to allocate funds for specific projects and amenities highlighted in the plan. This would determine the priorities of improvements to be made. Ms. Santiago said there had been a concerted effort for more than a decade to revitalize the downtown.

Chair Garrett invited public comment.

Andrew Gibson, homeowner in the middle of the Gateway area, wanted to exercise his property rights and build a garage on his property. He said he ran into a lot of problems because he was in the new Gateway zone that was created a few years ago. Also, his neighbor had outgrown their home and wanted to purchase some vacant property to build a new home but was concerned because of the zoning and what the city had planned for development along Center Street. The idea of getting some big businesses or box stores along the I-15 and Center Street freeway interchange would be a great idea. He also liked the idea of keeping the businesses in downtown going. The area between 500 West and 900 West Center Street would not be a good location for commercial businesses, they would struggle and then the area would regress into tattoo parlors, bars, and payday loan businesses. He encouraged building large family home developments along Center Street in that area. It would benefit businesses along I-15 and also businesses in downtown Provo. There was a demand for that type of housing so people could stay in the area.

John Rowe, owner of Hines Mansion Bed and Breakfast just south of the city center, reported that when the City closed off 100 South it had an adverse effect on their business. He was concerned that major construction would come and, although was not opposed to it, he did not know if their business would survive during the construction. He hoped there was something in the plan that would protect and help the small businesses located in the downtown, especially those along 100 South that would be dramatically impacted by construction in downtown. He was grateful to see the temple being build and the NuSkin building and had seen some benefit from them. He hoped the city would set their standards high and not give in to special interests.

David Johnson, owner of a business on Columbia Lane, was happy to see the developments and upgrades in the downtown. Fifteen years ago Columbia Lane was pretty run down. He purchased a lot on Columbia lane, built the prettiest building in the area, and now other businesses in his area were following suit. He said that most development along I-15 was designed on a campus, not down a road. A campus had a big box as the hub and smaller retail businesses surrounding the hub. Commercial projects right off the I-15 interchange needed to be developed before the City tried to bring commercial businesses to Center Street between 500 and 900 West. Also, if the City wanted retail and food establishments downtown they had to do something about the food trucks. Regular restaurants were upset because food trucks infringed upon their property rights. He said there needed to be more regulations, more oversight, and more enforcement of the laws governing food trucks.

Ms. Santiago noted that the City recently created a food truck ordinance in order to help regulate them. The ordinance could be found at code.provo.org under Title 6.

Kari Kolling, resident in the Gateway zone, said there were a lot of great things in the plan. She agreed that, as a homeowner, she could decide what to do with her home. However, she could not decide what her neighbors might do. If a neighbor wanted to sell their property to a commercial business she might have to sell because she did not want to live next to commercial property. There needed to be more homes in the area instead of more commercial properties. There were a lot of vacant buildings in East Bay and other places throughout Provo. The City needed to focus on those areas first rather than trying to bring commercial property to the Gateway area.

Cindy Butcher, Provo, was concerned that there was too much federally subsidized property being built in Provo. The federal government would end up owning more land than the City. Also, she was a crossing guard at 400 South 500 West and the streets in the area were trashy. She encouraged the City to pick up the trash and maintain the street.

Dave Harding, Dixon Neighborhood Chair, stated the plan being presented would not change any of the zoning in the Gateway area, it was changed a couple of years ago. At that time the neighborhood had a committee that met to discuss the issues and concerns with the proposed zoning. When the rezone was presented during a neighborhood meeting there was a 30-0 vote in favor; the neighbors liked what was being presented. He would be happy to sit down and talk with any of the residents if they had questions about the Gateway zone.

Mary Howell, owner of a duplex at 400 South Freedom Avenue in Provo, had wanted to make improvements to their home. Because of the surrounding areas they could not attract the type of tenants that would pay for the style of home they would like to build. A few years ago there were some nicer homes for sale in the area. Some of them were sold but many of them were still empty. She asked what was happening as far as revitalization plans, the trash pickup, and making the area a cleaner environment that would attract homeowners. They struggle with some of the halfway houses in the area making it so that people don't want to move there because they were afraid of their neighbors. Chair Garrett indicated they would put her in contact with her neighborhood chair so they could address some of those issues. She asked if there was a committee, or a way to form a committee, to actually clean up Provo. Mr. Winterton told her neighborhood chairs were the best place to start.

Mike Yeoman, Provo, thought this was a fantastic plan. He loved the feel of the plan, of music being played on the streets, and the artistic hip crowd that would bring in. He felt the plan would bring a lot of good things into the City and would solve a few of the issues the residents were concerned about.

Alan Seawright, Provo, said the plan looked pretty great. He thought they should all be worried about gentrification in fifteen years when everything was going to be too expensive in downtown.

Kevin Kolling, resident of the Gateway zone, loved Provo and wanted to be a lifetime resident. He saw the great things that could happen with the Master Plan but he did not see it including him and his family. Of the six homes on his block, three were owner occupants and they wanted to stay. The other three homes were quickly wearing down and he could see the homeowners selling out to whoever wanted to buy those properties. That would leave the residents in a tough situation. He needed to make renovations but did not want to invest the money in the home knowing that it might go to waste. He did not think the Master Plan took the residents feelings into consideration.

There were no more public comments.

Mr. Miller said he had read the document in its near entirety. There were now two neighborhood master plans completed. As good as the Joaquin Neighborhood Plan was this one was even better. He did not find anything amiss or any mistakes with the plan. He urged more concentrated attention to viable ways of encouraging economic development.

Ms. Santiago addressed the concerns of the residents in the Gateway Area. She said there were ways to make the transition from single family homes to more of a public use and asked if that was part of the planning process. Was it true they could have a single family home with large commercial buildings on either side?

Mr. Peperone responded that each zoning ordinance determined what people could not do in that zone. Many times the City was capable of telling developers what they can't do in a specific zone but they were not very good at telling them what they could do. The purpose of the neighborhood plans was to convey the idea of what the City wants to have happen over time. Those neighborhoods that border commercial and residential zoning had a zoning ordinance that offered protections to that residential property. In areas where it had already been zoned commercial and was a nonconforming single family home (such as the Gateway zone), there was the potential that commercial businesses could be put in on both sides of the home. While the City was not trying to push out the single family homes, it was a difficult place to exist as a single family home because of the egress and ingress challenges off Center Street. He said he would speak to the residents about ways to keep them in the area. It was difficult to try to balance what exists today with what the City would like to have in the future. They tried to keep and protect the single family nature in several areas near the downtown.

Mr. Winterton appreciated that the plan looked at the assets and character of each area and took advantage of those assets.

Motion: Council Member Santiago moved to approve the downtown plan with the removal of the food vendor references and the road closure

references they spoke about earlier.

Mr. Winterton expressed concern that they had worked so hard with the restaurants in creating the food vendor ordinance. The plan was not saying they had to have the vendors there it just said the neighborhoods got together and thought they were an important part of the downtown. Most of the community seemed to want the food trucks and the plan was not advocating a change to what had been approved. He did not think the plan was trying to change the ordinance.

Ms. Santiago said the food truck ordinance specifically addressed those issues with the restaurant owners and the neighborhoods. It was a compromise between the food trucks and downtown restaurants and created a buffer zone. Under Goals and Objectives the plan states, “To amend current downtown zones to provide opportunities for food carts, trucks, and sidewalk vendors in strategic areas.” As she read through the plan it felt like it was trying to amend the food truck ordinance that was just adopted. She just wanted to make sure the plan was very clear and they were not trying to change that ordinance and that future Councils would understand the intent.

Mr. Van Buren stated the purpose of the resolution was to approve the plan, which was a vision statement about what the City wanted in the downtown area. There were no ordinances being changed at that time. There might, in the future, be some type of food vendor that was not addressed in the food truck ordinance that the City might need to regulate. He did not think they needed to change the wording of the document.

Mr. Yost said there might be some confusion with the version of the Master Plan that the Council was looking at. Referencing food trucks the latest version read “Adopt food truck regulations to provide opportunities for food carts, trucks, and sidewalk vendors in strategic areas.” The objective was left in the plan because it was something they could check off as completed.

Ms. Santiago rescinded her original motion because they were not looking at the most current plan. She made the following motion:

Motion: Council Member Santiago moved to continue the item until the next council meeting so they had a chance to review the final document. The motion was seconded by Council Member Dave Sewell.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.

Council Items and Reports

Adjourn

Motion: Council Member Kim Santiago moved to adjourn 8:05 p.m. The motion was seconded by Council Member Vernon K. Van Buren.

Roll Call Vote: The motion passed 6:0 with Council Members Garrett, Miller, Santiago, Sewell, Van Buren, and Winterton in favor.